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HOUSE BILL NO. 1240

Offered January 15, 2010

A BILL to amend and reenact § 46.2-2000 of the Code of Virginia, relating to the definition of "taxicab or other motor vehicle performing a taxicab service," as applicable to regulation of passenger carriers.

 Patron—Oder

 Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-2000 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-2000. Definitions.

Whenever used in this chapter unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Carrier by motor launch" means a common carrier or contract carrier, which carrier uses one or more motor launches operating on the waters within the Commonwealth to transport passengers.

"Certificate" means a certificate of public convenience and necessity or a certificate of fitness.

"Certificate of fitness" means a certificate issued by the Department to a contract bus carrier.

"Certificate of public convenience and necessity" means a certificate issued by the Department of Motor Vehicles to common carriers, certain restricted common carriers, contract passenger carriers and sight-seeing carriers under this chapter authorizing the transportation of passengers over the public highways or waterways of the Commonwealth; but nothing contained in this chapter shall be construed to mean that the Department can issue any such certificate authorizing intracity transportation.

"Charter bus" means a motor vehicle manufactured with a minimum seating capacity of 32 passengers or more, excluding the driver.

"Common carrier" means any person who undertakes, whether directly or by a lease or any other arrangement, to transport passengers for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water under this chapter.

"Contract bus carrier" means a motor carrier that operates solely charter buses, as defined in this section, to transport groups of passengers under a single contract made with one person for an agreed charge for such transportation regardless of the number of passengers transported, and for which transportation no individual or separate fares are solicited, charged, collected, or received by the carrier.

"Contract carrier" means any person who, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers for compensation.

"Contract passenger carrier" means a motor carrier that transports groups of passengers under a single contract made with one person for an agreed charge for such transportation, regardless of the number of passengers transported, and for which transportation no individual or separate fares are solicited, charged, collected, or received by the carrier.

"Department" means the Department of Motor Vehicles.

"Employee hauler" means a motor carrier operating for compensation and exclusively transporting only bona fide employees directly to and from the factories, plants, office or other places of like nature where the employees are employed and accustomed to work.

"Excursion train" means any steam-powered train that carries passengers for which the primary purpose of the operation of such train is the passengers' experience and enjoyment of this means of transportation, and does not, in the course of operation, carry (i) freight other than the personal luggage of the passengers or crew or supplies and equipment necessary to serve the needs of the passengers and crew, (ii) passengers who are commuting to work, or (iii) passengers who are traveling to their final destination solely for business or commercial purposes.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in this chapter.

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59 "Highway" means every public highway or place of whatever nature open to the use of the public for
60 purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

61 "Identification marker" means a decal or other visible identification issued by the Department to
62 show (i) that the operator of the vehicle has registered with the Department for the payment of the road
63 tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, (ii) proof of the possession of a
64 certificate or permit issued pursuant to Chapter 20 (§ 46.2-2000 et seq.) of this title, and/or (iii) proof of
65 compliance with the insurance requirements of this chapter.

66 "Interstate" means transportation of passengers between states.

67 "Intrastate" means transportation of passengers solely within a state.

68 "License" means a license issued by the Department to a broker.

69 "Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than
70 31 passengers, including the driver, and used in the transportation of passengers.

71 "Motor carrier" means any person who undertakes, whether directly or by lease, to transport
72 passengers for compensation over the highways of the Commonwealth.

73 "Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the
74 carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of
75 fifty passengers. Motor launch, as defined herein, shall not include sight-seeing vessels, special or
76 charter party vessels within the provisions of this chapter. A carrier by motor launch shall not be
77 regarded as a steamship company.

78 "Nonprofit/tax-exempt passenger carrier" means a bona fide nonprofit corporation organized or
79 existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or a tax-exempt organization as defined in
80 §§ 501 (c) (3) and 501 (c) (4) of the United States Internal Revenue Code, as from time to time
81 amended, who undertakes, whether directly or by lease, to control and operate minibuses exclusively in
82 the transportation, for compensation, of members of such organization if it is a membership corporation,
83 or of elderly, disabled, or economically disadvantaged members of the community if it is not a
84 membership corporation.

85 "Operation" or "operations" includes the operation of all motor vehicles, whether loaded or empty,
86 whether for compensation or not, and whether owned by or leased to the motor carrier who operates
87 them or causes them to be operated.

88 "Operator" means the employer or person actually driving a motor vehicle or combination of
89 vehicles.

90 "Permit" means a permit issued by the Department to carriers operating as employee haulers or
91 nonprofit/tax-exempt passenger carriers or to operators of taxicabs or other vehicles performing taxicab
92 service under this chapter.

93 "Person" means any individual, firm, copartnership, corporation, company, association or joint-stock
94 association, and includes any trustee, receiver, assignee, or personal representative thereof.

95 "Restricted common carrier" means any person who undertakes, whether directly or by a lease or
96 other arrangement, to transport passengers for compensation, whereby such transportation service has
97 been restricted.

98 "Route," when used in connection with or with respect to a certificate of public convenience and
99 necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of
100 public convenience and necessity or proposed to be operated over by an applicant therefor, whether such
101 road or highway is designated by one or more highway numbers.

102 "Services" and "transportation" include the service of, and all transportation by, all vehicles operated
103 by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or
104 implied, together with all facilities and property operated or controlled by any such carrier or carriers
105 and used in the transportation of passengers or the performance of any service in connection therewith.

106 "Sight-seeing carrier" means a restricted common carrier authorized to transport passengers under the
107 provisions of this chapter, whereby the primary purpose of the operation is the passengers' experience
108 and enjoyment and/or the promotion of tourism.

109 "Sight-seeing carrier by boat" means a restricted common carrier, which restricted common carrier
110 uses a boat or boats operating on waters within the Commonwealth to transport passengers, and whereby
111 the primary purpose of the operation is the passengers' experience and enjoyment and/or the promotion
112 of tourism. Sight-seeing carriers by boat shall not be regarded as steamship companies.

113 "Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. Part 367 evidencing
114 that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other
115 qualified jurisdictions.

116 "Special or charter party carrier by boat" for purposes of this chapter shall mean a restricted common
117 carrier which transports groups of persons under a single contract made with one person for an agreed
118 charge for such movement regardless of the number of persons transported. Special or charter party
119 carriers by boat shall not be regarded as steamship companies.

120 "Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a

121 seating capacity of not more than six passengers, excluding the driver, not operating on a regular route
122 or between fixed terminals used in the transportation of passengers for hire or for compensation, and not
123 a common carrier or restricted common carrier as defined in this chapter; *such motor vehicle shall bear*
124 *a roof sign and markings, permanently affixed to its exterior, in letters at least three inches in height,*
125 *identifying the vehicle as a taxicab.*